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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF AMERICA and SOMPO JAPAN INSURANCE, INC.	:	07 Civ. 2735 (DC)
	:	
<i>Plaintiffs,</i>	:	
- against -	:	REPLY DECLARATION OF THOMAS M. EAGAN IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL <u>SUMMARY JUDGMENT</u>
NORFOLK SOUTHERN RAILWAY COMPANY, NORFOLK SOUTHERN CORPORATION and THE KANSAS CITY RAILWAY COMPANY	:	

Defendants.

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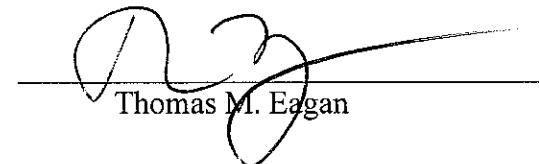
I, Thomas M. Eagan, declare that I am a partner of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc.

1. I attach as Exhibit 21 a true copy of the rail services agreement dated April 1, 1996 between certain railroads and Sea-Land Service, which was at issue in *Sompo Japan Ins. Co. of America v. Union Pac. R.R.*, 456 F.3d 54 (2d Cir. 2006), on remand 2007 WL 2230091 (S.D.N.Y. 2007)(J. MacMahon).
2. I attach as Exhibit 22 a true copy of the "Exempt Rail Transportation

Agreement" between Union Pacific and K-Line, at issue in *Sompo Japan v. Union Pacific*, 02 civ 9523 (9/26/05 S.D.N.Y.)(Judge Batts).

I declare the foregoing is true and correct under the penalty of perjury of the laws of the United States.

Dated: Rye, New York
October 1, 2007



Thomas M. Eagan

To: All Counsel